

REMARKS

A review of this file has revealed that the claim to priority and acknowledgment of receipt of the priority document (in the parent application) has never been formally made. Acknowledgment is respectfully requested.

The claims have been amended to specify the solder consists of the recited elements.

The dependency of claim 10 has been corrected so that antecedent basis is now present. Withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

Claims 1-4 and 9 were rejected under 35 U.S.C. 103 over CN '260. This rejection is respectfully traversed.

The Chinese reference relates to a braze which is made by melting a mixture of tin, silver, copper and CuCr13 at 400-500 °C, forming ingots and then re-melting the ingots at 400-500 °C. The composition of this reference does not fall within the scope of the rejected claims since it must contain 0.2 to 1.5% copper which is not one of the recited elements in the rejected claims and the "consisting of" language of the claims under consideration prevents an interpretation so as to include the copper. Nothing in this reference teaches or suggests that the presence of copper can be eliminated, and that would be counterindicated by the fact that the Chinese reference provides two sources of copper,

namely copper itself and CuCr13. Moreover, since there any motivation to eliminate the copper, there is no *prime facie* basis for any rejection

The basis for including claim 9 in this rejection was that the soldering temperature was presumed to the present since the claimed solder and the material of the Chinese reference was essentially the same. As a result of the foregoing amendment, the claimed solder is clearly different and that fact removes any basis for the rejection.

Claims 1-4 and 7-9 were rejected under 35 USC 103 over Tanaka '242. that rejection is respectfully traversed.

The Tanaka '242 reference teaches a tin-based white metal bearing alloy which can contain up to 9% copper. In addition, an essential element of the Tanaka '242 composition is nickel in an amount of more than 2%. At the top of column 3 of this reference, it is pointed out that the nickel presence is essential and that any content of Ni which less than 2% produces poor effects. The nickel, and the copper when present, in Tanaka '242 are excluded by the "consisting of" language of the claims as amended. There is no teaching or suggestion of any composition which contains neither nickel nor copper nor is there anything which provides a motivation for eliminating these materials. In the absence of even a hint of motivation, a *prima facie* basis for rejection has not been established.

Claims 5, 6 and 10-15 have been rejected under 35 USC 103 over Tanaka '242 in combination with Tanaka '236. This rejection is also respectfully traversed.

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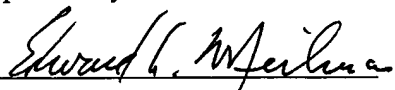
Request for Expedited Procedure
Under 37 CFR § 1.116
Group Art Unit 1742

Tanaka '242 has been discussed above and the deficiencies in that reference are equally applicable here. Tanaka '236 has been cited to show a backing plate which can be plated with copper and thus Tanaka '236 has not been asserted to cure any of the basic deficiencies in Tanaka '242. In fact, it does not do so. Moreover, Tanaka '236 is predicated on the use of a lead containing alloy whereas Tanaka '242 does not contain lead. There is no basis for combining the two Tanaka patents nor has any motivation for doing so been suggested. Accordingly, it is respectfully submitted that this rejection is also not tenable.

In light of all of the foregoing, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

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